

# Senate Bill 784

Sponsored by Senator BEYER

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Authorizes public utility to seek rate recovery for operating expenses and capital costs associated with resiliency measures.

Authorizes electric company to include as part of portfolio of rate options, program of rates or charges reflecting costs of serving retail electricity consumers within boundaries of local governments with electricity derived from renewable energy sources or paired with unbundled renewable energy certificates.

Requires Public Utility Commission to allow recovery of certain social and environmental costs from retail electricity consumers receiving electricity from electricity service suppliers.

Modifies certain laws related to competitive retail market for electricity.

Requires responsible contractor labor standards for large-scale renewable energy generation or storage facilities.

## A BILL FOR AN ACT

1  
2 Relating to energy; creating new provisions; and amending ORS 469A.005, 469A.205, 757.247, 757.603,  
3 757.607, 757.646, 757.649 and 757.659.

4 **Be It Enacted by the People of the State of Oregon:**

## RESILIENCY

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8 **SECTION 1. Section 2 of this 2021 Act is added to and made a part of ORS chapter 757.**

9 **SECTION 2. (1) As used in this section:**

10 **(a) "Emergency" includes:**

11 **(A) Naturally caused and intentionally and unintentionally human-caused disruptions to**  
12 **the provision of utility service, where the disruptions are serious, unexpected and require**  
13 **immediate response; and**

14 **(B) Events specified in ORS 401.025.**

15 **(b) "Resiliency measure" means equipment or programs utilized by a public utility on the**  
16 **utility's generation, transmission or distribution system, or by the utility or a customer of**  
17 **the utility on the customer's side of the utility's metering infrastructure, that is intended**  
18 **to:**

19 **(A) Provide an increased ability of the utility system to withstand and recover from a**  
20 **major disruption in delivery or transmission of electricity, including a major disruption from**  
21 **an emergency;**

22 **(B) Prepare for or adapt to changing conditions, or anticipated changed conditions, as-**  
23 **sociated with effects of climate change or other, similar, landscape level environmental**  
24 **changes, including assumed land use changes;**

25 **(C) Provide utility customers and their communities with limited or temporary utility**  
26 **service in the event of an emergency; or**

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 (D) Reduce the magnitude and duration of a potentially disruptive emergency.

2 (c) “Retail electricity consumer” has the meaning given that term in ORS 757.600.

3 (2) A public utility may seek rate recovery for operating expenses and capital costs as-  
 4 sociated with a resiliency measure from all retail electricity consumers of the public utility  
 5 through a filing under ORS 757.210 to 757.220. The Public Utility Commission may allow rate  
 6 recovery for resiliency measures that, at a minimum:

7 (a) Increase the ability of a public facility or public service that is critically essential to  
 8 the public welfare, including but not limited to a fire station, public safety location, municipal  
 9 water facility or community-identified emergency assembly and gathering location, to con-  
 10 tinue to operate at some capacity during a loss of grid-supplied electricity in an emergency;

11 (b) Provide distribution system efficiencies and grid services, such as flexible load pro-  
 12 grams, demand management programs or dispatchable standby capacity, that operate both  
 13 to serve customers during normal service and can be used to assist utility operations or  
 14 provide utility service during emergencies;

15 (c) Provide electricity or other utility service during emergencies in microgrids or at  
 16 centrally located community facilities, including solar photovoltaic energy systems coupled  
 17 with storage or smart inverters;

18 (d) Modify existing programs designed to improve utility reliability, such as tree trim-  
 19 ming or pole replacement, in certain areas of the utility service territory that may be more  
 20 likely subject to fire or other emergencies;

21 (e) Involve different business models including utility, customer or joint ownership and  
 22 leasing; or

23 (f) Seek to address the needs of potentially affected communities, including low-income  
 24 customers, or investments that incorporate social equity and energy burden concerns.

25 (3) For purposes of implementing this section:

26 (a) Notwithstanding ORS 757.355, a resiliency measure provides utility service to cus-  
 27 tomers of a public utility if the resiliency measure is capable of providing the service for  
 28 which it was designed during an emergency.

29 (b) In determining the prudence of an investment in a resiliency measure, the commis-  
 30 sion shall consider, among other things:

31 (A) The cost to customers of the resiliency measure;

32 (B) The probability and potential impact of the risk to be addressed;

33 (C) Whether the investment is supported by a prioritized risk mitigation assessment; and

34 (D) Whether the resiliency measure provides benefits directly to customers and to the  
 35 electricity grid generally.

36 (c) If the commission authorizes a public utility to recover costs from customers for in-  
 37 vestments in resiliency measures, the resiliency measures must, regardless of ownership of  
 38 the resiliency measure and pursuant to agreement with the customer, allow the utility to  
 39 manage the measure for grid and emergency services.

40  
 41 **GREEN TARIFFS FOR LOCAL GOVERNMENTS**

42  
 43 **SECTION 3.** ORS 757.603 is amended to read:

44 757.603. (1)(a) *Except as provided in this subsection,* An electric company shall provide all retail  
 45 electricity consumers that are connected to the electric company’s distribution system with a regu-

1 lated, cost-of-service rate option.

2 [(b)] **(2)(a)** The Public Utility Commission by order may waive the requirement [of *paragraph (a)*  
3 *of this subsection*] **in subsection (1) of this section** for any retail electricity consumer other than  
4 residential electricity consumers and small commercial electricity consumers.

5 **(b)** [Before] **Prior to** ordering a waiver under this [paragraph] **subsection**, the commission  
6 [shall] **may** conduct such studies as the commission deems necessary and **shall** provide notice and  
7 opportunity for public comment and hearings **regarding the waiver**.

8 **(c)** The commission may order a waiver under this [paragraph] **subsection** if the commission  
9 finds, based on [an] **the** evidentiary record developed through **the conducted studies**, public com-  
10 ment and hearings, that a market exists in which retail electricity consumers subject to the waiver  
11 are able to:

12 **(A)** Purchase supplies of electricity adequate to meet the needs of the retail electricity con-  
13 sumers;

14 **(B)** Obtain multiple offers for electricity supplies within a reasonable period of time;

15 **(C)** Obtain reliable supplies of electricity; and

16 **(D)** Purchase electricity at prices that are not unduly volatile and that are just and reasonable.

17 [(2)] **(3)** Each electric company shall provide each [residential] **retail** electricity consumer that  
18 is connected to its distribution system **and whose electricity demand at any point of delivery is**  
19 **less than 30 kilowatts** a portfolio of rate options. The portfolio **of rate options** shall include at  
20 least the following options:

21 **(a)** A rate that reflects significant new renewable energy resources;

22 **(b)** A market-based rate; and

23 **(c)** If the commission finds, through public comment and hearing or through market research  
24 conducted by the electric company, that demand is sufficient to justify the rate, a rate option for  
25 electricity associated with a specific renewable energy resource, including solar photovoltaic en-  
26 ergy.

27 [(3)(a)] **(4)** The commission shall regulate the cost-of-service rate [option under subsection (1) of  
28 *this section and the portfolio of rate options under subsection (2) of this section*] **and portfolio of rate**  
29 **options under this section**. The commission:

30 **(a)** Shall reasonably ensure that the costs and risks of serving each option are reflected in the  
31 rates for each option, **where such rates may include a monthly flat rate or charge in addition**  
32 **to usage**.

33 **(b)** [The commission] May prohibit or otherwise limit the use of a cost-of-service rate by retail  
34 electricity consumers who have been served through direct access[, and].

35 **(c)** May limit switching among **the portfolio of rate options** and the cost-of-service rate [by  
36 *residential electricity consumers*].

37 **(5)(a)** As used in this subsection, “local government” means a city or county.

38 **(b)** An electric company may include, as part of the portfolio of rate options required by  
39 subsection (3) of this section and if agreed to in coordination with one or more local gov-  
40 ernments to meet adopted renewable and nonemitting energy goals, a program of rates or  
41 charges that reflect the cost of an electric company program to serve retail electricity con-  
42 sumers within the boundaries of those local governments with electricity:

43 **(A)** Partially or completely derived from new or existing renewable energy resources or  
44 nonemitting energy resources, including supply and demand-side resources; or

45 **(B)** Paired with unbundled renewable energy certificates, as defined in ORS 469A.005,

1 from new or existing renewable energy resources.

2 (c) The commission may approve a rate or charge under this subsection if:

3 (A) The electric company and local government attest that the coordination required  
4 under paragraph (b) of this subsection occurred;

5 (B) The local government enacts or adopts an ordinance, charter provision, resolution  
6 or other regulation requiring that the population of the local government must, as deter-  
7 mined during the coordination required by paragraph (b) of this subsection and conducted in  
8 accordance with this paragraph, be served with renewable energy resources or nonemitting  
9 energy resources including, at the option of the local government:

10 (i) Energy from community-based renewable energy projects that are capable of providing  
11 community energy resiliency benefits, such as storage systems, microgrids, in-pipe hydro-  
12 electric or micro-hydroelectric; or

13 (ii) Energy from renewable energy resources that also provide community cobenefits as  
14 determined by the local government, such as community stability, water savings, species  
15 protection, direct cost savings or local economic development;

16 (C) The ordinance, charter provision, resolution or other regulation specifies that all el-  
17 igible retail electricity consumers served within the local government boundary:

18 (i) Are automatically placed on the rate schedule but have an opportunity to decline to  
19 be served by the rate option; or

20 (ii) Must opt-in to participate in the program of rates or charges adopted pursuant to this  
21 subsection;

22 (D) The ordinance, charter provision, resolution or other regulation includes protections,  
23 such as subsidies or bill payment assistance, for low-income retail electricity consumers af-  
24 fected by the rates or charges and provides that these protections are paid for solely by re-  
25 tail electricity consumers within the boundaries of the local government;

26 (E) The electric company has included in the program provisions to minimize the shifting  
27 of costs from retail electricity consumers to other customers who do not participate;

28 (F) The ordinance, charter provision, resolution or other regulation sets forth the dura-  
29 tion of the program; and

30 (G) The electric company utilizes commission-approved procurement processes, to the  
31 extent those processes apply, to acquire resources that serve the program.

32 (d) After the electric company begins service to retail electricity consumers within the  
33 boundaries of the local government according to the program of rates or charges adopted  
34 pursuant to this subsection, the electric company must:

35 (A) Include information on its monthly bills to participating retail electricity consumers  
36 identifying the program's cost; and

37 (B) Provide notice to participating retail electricity consumers of any change in rate for  
38 participation in the program.

39 (e) The commission shall allow the electric company, for purposes of the new or existing  
40 renewable energy resources or nonemitting energy resources that serve the program of rates  
41 or charges adopted pursuant to this subsection:

42 (A) To own the facilities or use power purchase agreements and, if the electric company  
43 uses long-term power purchase agreements, to earn an annual incentive that is no less than  
44 the product of the authorized cost of debt multiplied by the operating expense of the electric  
45 company under the agreement and no more than the product of the authorized rate of return

1 on equity multiplied by the operating expense.

2 (B) To recover part or all of the costs associated with the resources that serve the pro-  
3 gram, including costs associated with resources described in subparagraph (A) of this para-  
4 graph, from all retail electricity consumers, if:

5 (i) The electric company can demonstrate that above-market costs of those resources  
6 have been paid for by program participants;

7 (ii) An integrated resource plan conducted by the electric company shows an energy or  
8 capacity need that will be met on a least-cost, least-risk basis with those resources;

9 (iii) The electric company will use the resources to meet a renewable portfolio standard  
10 imposed by ORS 469A.052 on a least-cost, least-risk basis; or

11 (iv) All customers will otherwise benefit from inclusion of the costs in rates collected  
12 from all customers.

13 (C) To collect moneys from participating retail electricity consumers in excess of the cost  
14 of service and defer revenues or costs associated with the program for the purposes of  
15 making future investments in resources or renewable energy certificates to serve program  
16 participants and for the purposes of protecting nonparticipating retail electricity consumers  
17 should the local government end its participation in the program.

18 (D) To recover the costs associated with the resources that serve the program, including  
19 costs associated with resources described in subparagraph (A) of this paragraph, from retail  
20 electricity consumers within the boundaries of the local government, if the local government  
21 ends its participation in the program and the costs are not otherwise recoverable under  
22 subparagraph (B) of this paragraph.

23 (6) Nothing in subsection (3) of this section prohibits an electric company from providing  
24 retail electricity consumers that are connected to its distribution system and whose elec-  
25 tricity demand at any point of delivery is greater than 30 kilowatts a portfolio of rate options.

26 **SECTION 4.** ORS 469A.005 is amended to read:

27 469A.005. As used in ORS 469A.005 to 469A.210:

28 (1) "Acquires service territory" does not include an acquisition by a city of a facility, plant,  
29 equipment or service territory within the boundaries of the city, pursuant to ORS 225.020 or city  
30 charter, if the city:

31 (a) Already owns, controls or operates an electric light and power system for supplying elec-  
32 tricity to the inhabitants of the city and for general municipal purposes;

33 (b) Provides fair, just and reasonable compensation to the electric company whose service ter-  
34 ritory is acquired that:

35 (A) Gives consideration for the service territory rights and the cost of the facility, plant or  
36 equipment acquired and for depreciation, fair market value, reproduction cost and any other rele-  
37 vant factor; and

38 (B) Is based on the present value of the service territory rights and the facility, plant and  
39 equipment acquired, including the value of poles, wires, transformers and similar and related appli-  
40 ances necessarily required to provide electric service; and

41 (c) Pays any stranded costs obligation established pursuant to ORS 757.483.

42 (2) "Banked renewable energy certificate" means a bundled or unbundled renewable energy  
43 certificate that is not used by an electric utility or electricity service supplier to comply with a  
44 renewable portfolio standard in a calendar year, and that is carried forward for the purpose of  
45 compliance with a renewable portfolio standard in a subsequent year.

1 (3) “BPA electricity” means electricity provided by the Bonneville Power Administration, in-  
 2 cluding electricity generated by the Federal Columbia River Power System hydroelectric projects  
 3 and electricity acquired by the Bonneville Power Administration by contract.

4 (4) “Bundled renewable energy certificate” means a renewable energy certificate for qualifying  
 5 electricity that is acquired:

6 (a) By an electric utility or electricity service supplier by a trade, purchase or other transfer  
 7 of electricity that includes the renewable energy certificate that was issued for the electricity; or

8 (b) By an electric utility by generation of the electricity for which the renewable energy cer-  
 9 tificate was issued.

10 (5) “Compliance year” means the calendar year for which the electric utility or electricity ser-  
 11 vice supplier seeks to establish compliance with the renewable portfolio standard applicable to the  
 12 electric utility or electricity service supplier in the compliance report submitted under ORS  
 13 469A.170.

14 (6) “Consumer-owned utility” means a municipal electric utility, a people’s utility district or-  
 15 ganized under ORS chapter 261 that sells electricity or an electric cooperative organized under ORS  
 16 chapter 62.

17 (7) “Distribution utility” has the meaning given that term in ORS 757.600.

18 (8) “Electric company” has the meaning given that term in ORS 757.600.

19 (9) “Electric utility” has the meaning given that term in ORS 757.600.

20 (10) “Electricity service supplier” has the meaning given that term in ORS 757.600.

21 (11) “Qualifying electricity” means electricity described in ORS 469A.010.

22 (12) “Renewable energy source” means a source of electricity described in ORS 469A.025.

23 (13) “Retail electricity consumer” means a retail electricity consumer, as defined in ORS  
 24 757.600, that is located in Oregon.

25 (14) “Unbundled renewable energy certificate” means:

26 (a) A renewable energy certificate for qualifying electricity that is acquired by an electric  
 27 utility or electricity service supplier by trade, purchase or other transfer without acquiring the  
 28 electricity that is associated with the renewable energy certificate; **or**

29 **(b) A renewable energy certificate that is sold to a retail electricity consumer without**  
 30 **selling, on a non-cost of service basis, the electricity associated with the renewable energy**  
 31 **certificate to the retail electricity consumer.**

### 32 33 **NONBYPASSABILITY OF SOCIAL AND ENVIRONMENTAL COSTS**

34  
35 **SECTION 5.** ORS 757.607 is amended to read:

36 757.607. (1) The Public Utility Commission shall ensure that direct access programs offered by  
 37 electric companies meet the following conditions:

38 [(1)] (a) The provision of direct access to some retail electricity consumers must not cause the  
 39 unwarranted shifting of costs to other retail electricity consumers of the electric company. The  
 40 commission may, in establishing any rates and charges under ORS 757.600 to 757.667, consider and  
 41 mitigate the rate impact on consumers from the reduction or elimination of subsidies in existing rate  
 42 structures.

43 [(2)] (b) The direct access, portfolio of rate options and cost-of-service rates may include tran-  
 44 sition charges or transition credits that reasonably balance the interests of retail electricity con-  
 45 sumers and utility investors. The commission may determine that full or partial recovery of the costs

1 of uneconomic utility investments, or full or partial pass-through of the benefits of economic utility  
 2 investments to retail electricity consumers, is in the public interest.

3 [(3)] (2) The commission shall allow recovery[.];

4 (a) Through a transition charge, of any otherwise unrecoverable costs arising from or related  
 5 to an electric company’s contractual or other legal obligations to the Bonneville Power Adminis-  
 6 tration under ORS 757.663, or arising from or related to a failure of the Bonneville Power Adminis-  
 7 tration to meet its contractual or other legal obligations to the electric company, from those  
 8 classes of consumers for which electric power was purchased from the Bonneville Power Adminis-  
 9 tration.

10 (b) **Through a charge, on retail electricity consumers receiving electricity from electric-**  
 11 **ity service suppliers, of costs tied to the economic, environmental, social or equity programs**  
 12 **and policies that are imposed on electric companies by state and federal law, regulation and**  
 13 **order, including costs associated with attaining the state’s greenhouse gas emissions re-**  
 14 **duction goals specified in ORS 468A.205, that those retail electricity consumers may avoid**  
 15 **by obtaining electric power through direct access. A charge authorized under this paragraph:**

16 (A) **Must be calculated on the basis of electricity consumption and bear a direct re-**  
 17 **lationship to costs borne by retail electricity consumers served by the electric company; and**

18 (B) **May include above-market costs associated with investments by an electric company**  
 19 **in qualifying electricity, as described in ORS 469A.010, or in other greenhouse gas**  
 20 **emissions-free electricity used to serve the electric company’s retail electricity consumers.**

21 [(4)] (3) Notwithstanding ORS 757.355, the commission may allow a return on the unamortized  
 22 balance of an uneconomic utility investment or an economic utility investment that is included in  
 23 rates.

24  
 25 **ELECTRIC POWER RESTRUCTURING MODERNIZATION**

26  
 27 **SECTION 6.** ORS 757.646 is amended to read:

28 757.646. (1) The duties, functions and powers of the Public Utility Commission shall include de-  
 29 veloping policies to eliminate barriers to the development of a competitive retail market [*structure*]  
 30 **between electricity service suppliers and electric companies.** The policies shall be designed to  
 31 [*mitigate the vertical and horizontal market power of incumbent electric companies,*] prohibit prefer-  
 32 ential treatment, or the appearance of such treatment, **by the incumbent electric companies to-**  
 33 **ward** [*of*] generation or market affiliates [*and determine the electricity services likely to be*  
 34 *competitive*]. The commission may require an electric company acting as an electricity service sup-  
 35 plier do so through an affiliate.

36 (2) The commission shall establish by rule a code of conduct for electric companies and their  
 37 affiliates to protect against market abuses and anticompetitive practices. The code shall, at a mini-  
 38 mum:

39 (a) Require an electric company and any affiliate that shares the same name and logo to disclose  
 40 to all consumers the relationship between the company and affiliate and to clarify that the affiliate  
 41 is not the same as the electric company and that in order to receive service from the company a  
 42 consumer does not have to purchase the services of the affiliate;

43 (b) Prohibit preferential access by an electric company affiliate to confidential consumer infor-  
 44 mation;

45 (c) [*Prohibit*] **Minimize** cross-subsidization between competitive operations and regulated oper-

1 ations, including the use of electric company personnel and other resources;

2 (d) Prohibit joint marketing activities and exclusive referral arrangements between an electric  
3 company and its affiliates;

4 (e) Provide the commission with all necessary access to books and records;

5 (f) Require electric companies to make regular compliance filings; and

6 (g) Require fair treatment of all competitors by a distribution utility.

7 (3) An electric company shall provide the commission access to all books and records necessary  
8 for the commission to monitor the electric company and its affiliate relationships. The commission  
9 shall require an electric company biannually to file a report detailing compliance with this sub-  
10 section.

11 **SECTION 7.** ORS 757.649 is amended to read:

12 757.649. (1)(a) A person or other entity shall not act as an electricity service supplier unless the  
13 person or entity is certified by the Public Utility Commission. The commission, by rule, shall es-  
14 tablish standards for certification of persons or other entities as electricity service suppliers in this  
15 state. The rules shall, at a minimum, address:

16 (A) The ability of the person or entity to meet the person's or entity's obligation to provide  
17 electricity services pursuant to direct access; and

18 (B) The ability of the person or entity to comply with applicable consumer protection laws.

19 (b) The commission may require an electricity service supplier to provide a bond or other se-  
20 curity.

21 (c) The commission may establish a fee, not to exceed \$500, for initial certification and annual  
22 recertification of electricity service suppliers.

23 (d) The commission, at any time, may revoke an electricity service supplier's certification for  
24 failure to comply with applicable statutes and rules.

25 (e) The commission may require an electricity service supplier to provide information necessary  
26 to ensure compliance with ORS 757.612. The commission shall ensure the privacy of all information  
27 and the protection of any proprietary information provided.

28 (2) Every electric utility shall maintain the integrity of its transmission facilities and distrib-  
29 ution system and provide safe, reliable service to all retail electricity consumers. Nothing in ORS  
30 757.600 to 757.667 or 757.669 to 757.687 shall reduce or diminish the statutory or contractual obli-  
31 gations of electric utilities to maintain the safety and reliability of their transmission facilities and  
32 distribution system and other infrastructure and equipment used to deliver electricity.

33 (3) The commission for electric companies, or the governing body for other electric utilities,  
34 shall adopt rules, ordinances, policies and service quality standards designed to maintain a reliable,  
35 safe and efficient distribution system. The commission shall regulate electrical safety regarding  
36 generation, transmission, substation and distribution facilities for electric utilities and other elec-  
37 trical system owners and operators as provided under ORS 757.035.

38 (4)(a) Every bill to a direct access retail electricity consumer from an electricity service sup-  
39 plier shall contain at least:

40 [(a)] (A) The rate and amount due for each service or product that the retail electricity con-  
41 sumer is purchasing and other price information necessary to facilitate direct access, as determined  
42 by the commission;

43 [(b)] (B) The rates and amounts of state and local taxes or fees, if any, imposed on the retail  
44 electricity consumer;

45 [(c)] (C) The amount of any public purpose charge or credit;



1 [(d)] **(D)** The amount of any transition charge or transition credit; and

2 [(e)] **(E)** Power source and environmental impact information necessary to ensure that all con-  
 3 sumers have useful, reliable and necessary information to exercise informed choice, as determined  
 4 by the commission.

5 **(b) Information provided under paragraph (a)(E) of this subsection must be equivalent**  
 6 **to the power source and environmental impact information the commission requires electric**  
 7 **companies to disclose to retail electricity consumers, including for power supplied through**  
 8 **the electricity service supplier’s own generating resources, and is not subject to**  
 9 **confidentiality.**

10 (5)(a) A retail electricity consumer of an electric company shall receive, upon request, a sepa-  
 11 rate bill from every individual electricity service supplier that provides products or services to the  
 12 retail electricity consumer. If a retail electricity consumer of an electric company does not request  
 13 separate bills, or a consolidated bill from an electricity service supplier as provided in paragraph  
 14 (c) of this subsection, the electric company shall consolidate the bills for all electricity services into  
 15 a single statement, and electricity service suppliers shall provide to the electric company the infor-  
 16 mation necessary to prepare a consolidated statement.

17 (b) [*The requirement for bill consolidation by an electric company shall continue through December*  
 18 *31, 2001, after which time*] The commission may waive the requirement **for bill consolidation by an**  
 19 **electric company** if the waiver results in effective billing procedures for retail electricity consum-  
 20 ers.

21 (c) Upon the request of a retail electricity consumer of an electric company, an electricity ser-  
 22 vice supplier shall consolidate the bills for all electricity services into a single statement, and  
 23 electric utilities and other electricity service suppliers shall provide to the billing electricity service  
 24 supplier any information necessary to prepare a consolidated statement.

25 (d) For retail electricity consumers of an electric company, the commission shall adopt by rule  
 26 provisions relating to the failure of a consumer to make full payment on a consolidated bill. The  
 27 rules shall address collection of payments, service disconnection and reconnection, and the allo-  
 28 cation of costs associated with collection, disconnection and reconnection. A distribution utility  
 29 shall be solely responsible for actual disconnection and reconnection.

30  
 31 **RESPONSIBLE CONTRACTOR LABOR STANDARDS**

32  
 33 **SECTION 8. (1) For purposes of this section:**

34 (a) **“Large-scale project” means a renewable energy generation or storage facility, where**  
 35 **the total capital costs and expenses necessarily incurred in the acquisition, erection, con-**  
 36 **struction and installation of the facility, including materials, labor, planning and site devel-**  
 37 **opment, are \$1 million or more.**

38 (b) **“Repower” means replacement of enough of the original generation equipment or**  
 39 **components to make an original energy generation facility equivalent to a new facility, such**  
 40 **that at least 80 percent of the fair market value of the facility derives from new generation**  
 41 **equipment or components installed as part of the replacement project.**

42 (2) A person who constructs or repowers a large-scale project sited in Oregon shall, at  
 43 the time of contract finalization for development of the project or delivery of energy from  
 44 that project, attest or declare, under penalty of perjury as described in ORCP 1 E, that  
 45 during all periods of construction, the person:

1 (a) Will pay employees the prevailing rate of wage for an hour’s work in the same trade  
 2 or occupation in the locality where the labor is performed;

3 (b) Will offer employer-paid health care and retirement benefits to the employees per-  
 4 forming the labor on the construction project;

5 (c) Will participate in an apprenticeship program registered with the State Apprentice-  
 6 ship and Training Council or similar apprenticeship program;

7 (d) Is licensed and in good standing to perform the work, and is not ineligible to receive  
 8 a contract or subcontract for public works under ORS 279C.860;

9 (e) Can demonstrate a history of material compliance with the rules and other require-  
 10 ments of state agencies with oversight regarding workers’ compensation, building codes and  
 11 occupational safety and health;

12 (f) Can demonstrate a history of compliance with federal and state wage and hour laws;  
 13 and

14 (g) Has policies in place that are designed to limit or prevent workplace harassment and  
 15 discrimination and that promote workplace diversity, equity and inclusion for, including but  
 16 not limited to, women, veterans and Black, Indigenous and other people of color.

17 (3) The person constructing or repowering the large-scale project shall provide the  
 18 attestation or declaration to the Bureau of Labor and Industries and provide notice of such  
 19 delivery to the purchaser of the project or of the energy from the project.

20 **SECTION 9.** The obligation to provide an attestation or declaration pursuant to section  
 21 8 of this 2021 Act applies to large-scale projects that begin construction after the effective  
 22 date of this 2021 Act.

23  
 24 **CONFORMING AMENDMENTS**

25  
 26 **SECTION 10.** ORS 469A.205 is amended to read:

27 469A.205. (1) Electric utilities shall allow retail electricity consumers to elect a green power  
 28 rate. A significant portion of the electricity purchased or generated by a utility that is attributable  
 29 to moneys paid by retail electricity consumers who elect the green power rate must be qualifying  
 30 electricity, and the utility must inform consumers of the sources of the electricity purchased or  
 31 generated by the utility that is attributable to moneys paid by consumers who elect the green power  
 32 rate. The green power rate shall reasonably reflect the costs of the electricity purchased or gener-  
 33 ated by the utility that is attributable to moneys paid by retail electricity consumers who elect the  
 34 green power rate. All prudently incurred costs associated with the green power rate are recoverable  
 35 in a green power rate offered by an electric company.

36 (2) Any qualifying electricity procured by an electric utility to provide electricity under a green  
 37 power rate under subsection (1) of this section or ORS 757.603 [(2)(a)] **(3)(a)** may not be used by the  
 38 utility to comply with the requirements of a renewable portfolio standard.

39 (3) The provisions of subsection (1) of this section do not apply to electric companies that are  
 40 subject to ORS 757.603 [(2)(a)] **(3)(a)**.

41 (4) An electric utility may comply with the requirements of subsection (1) of this section by  
 42 contracting with a third-party provider.

43 **SECTION 11.** ORS 757.247 is amended to read:

44 757.247. (1) The Public Utility Commission may authorize a public utility, upon application of the  
 45 utility, to file and place into effect a tariff schedule establishing rates or charges for the cost of

1 energy resource measures provided to an individual property owner or customer pursuant to an  
2 agreement entered into between the individual property owner or customer and the public utility.  
3 Energy resource measures provided under this section may include:

4 (a) The installation of renewable energy generation facilities on the property of property owners  
5 or the premises of customers;

6 (b) The implementation of energy conservation measures, including measures that are not cost-  
7 effective;

8 (c) The installation of equipment or devices or the implementation of measures that enable de-  
9 mand reduction, peak load reduction, improved integration of renewable energy generation or more  
10 effective utilization of energy resources;

11 (d) Loans for the purposes described in paragraphs (a) to (c) of this subsection; and

12 (e) Direct payments to third parties for the purposes described in paragraphs (a) to (c) of this  
13 subsection.

14 (2) Subject to the agreement entered into between the individual property owner or customer  
15 and the public utility, a tariff schedule placed into effect under this section may include provisions  
16 for:

17 (a) The payment of the rates or charges over a period of time;

18 (b) Except as provided in subsection (5) of this section, a reasonable rate of return on any in-  
19 vestment made by the public utility;

20 (c) The application of any payment obligation to successive owners of the property to which the  
21 energy resource measure is attached or to successive customers located at the premises to which  
22 the energy resource measure is attached; and

23 (d) The application of the payment obligation to the current property owner or customer alone,  
24 secured by methods agreed to by the property owner or customer and the public utility.

25 (3) Application of a tariff schedule under this section is subject to approval by the commission.

26 (4) If a payment obligation applies to successive property owners or customers as described in  
27 subsection (2)(c) of this section, a public utility shall record a notice of the payment obligation in  
28 the records maintained by the county clerk under ORS 205.130. The commission may prescribe by  
29 rule other methods by which the public utility shall notify property owners or customers of such  
30 payment obligations.

31 (5) A public utility may use moneys obtained through a rate established under ORS 757.603  
32 [(2)(a)] (3)(a) to provide a renewable energy generation facility to a property owner or customer  
33 under this section. A public utility may not charge interest to a property owner or customer for a  
34 renewable energy generation facility acquired with moneys obtained through a rate established un-  
35 der ORS 757.603 [(2)(a)] (3)(a).

36 (6) Agreements entered into and tariff schedules placed into effect under this section are not  
37 subject to ORS 470.500 to 470.710, 757.612 or 757.689.

38 **SECTION 12.** ORS 757.659 is amended to read:

39 757.659. According to the applicable provisions of ORS 756.060 and ORS chapter 183, the Public  
40 Utility Commission shall adopt such rules as are necessary to implement ORS 757.600 to 757.667.  
41 Rules adopted by the commission shall address at least the following:

42 (1) Requirements and methodologies for each electric company to provide unbundled rates and  
43 services pursuant to ORS 757.642.

44 (2) Requirements for each electric company allowing aggregation of electricity loads pursuant  
45 to ORS 757.627, which may include aggregation of demand for other services available under direct

1 access.

2 (3) Requirements for consumer protection. Consumer protection rules adopted by the commission  
 3 that relate to electricity service suppliers shall be applicable throughout this state and shall, at a  
 4 minimum, contain provisions for the disclosure of price, power source and environmental impact in  
 5 contract offers and marketing information.

6 (4) Market valuation methodologies for determining the amount and recovery of the costs of  
 7 uneconomic utility investment and the amount of and credit for economic utility investment.

8 (5) Requirements for each electric company to offer a portfolio of rate options under ORS  
 9 757.603.

10 (6) The method of determining a default supplier for those consumers who are not eligible to  
 11 participate in a portfolio program under ORS 757.603 in a manner that provides for viable competi-  
 12 tion among electricity service suppliers and among power generation companies. The commission  
 13 may condition the use of a default service option by requiring reasonable notice and commitment  
 14 from a consumer who intends to use the default service option in nonemergency situations.

15 (7) Requirements for [*market structure*] **the competitive retail market** described in ORS  
 16 757.646.

17 (8) Requirements for public purpose charges and credits under ORS 757.612.

18 (9) Requirements for meters, metering services, billing and collection services, and customer  
 19 response functions.

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**CAPTIONS**

22

23 **SECTION 13. The unit captions used in this 2021 Act are provided only for the conven-**  
 24 **ience of the reader and do not become part of the statutory law of this state or express any**  
 25 **legislative intent in the enactment of this 2021 Act.**

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